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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,295	04/27/2004	David Armes	60655.8800	3294
66170	7590	08/05/2010		
Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202			EXAMINER LY, CHEYNE D	
			ART UNIT	PAPER NUMBER
			2168	
			NOTIFICATION DATE	DELIVERY MODE
			08/05/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/709,295	Applicant(s) ARMES ET AL.	
	Examiner CHEYNE D. LY	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15, and 17-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 18, 2010 has been entered.
2. Applicants' arguments have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.
3. The addition of claim 27 has been entered.
4. Claims 1-12, 14, 15, and 17-27 are examined on the merits.
5. On page 9, Applicant argues neither *Chu* nor *Konda* disclose or contemplate at least, "determine, based upon the outcome of a first service for a first file, a second service for the first file, said messaging infrastructure component," as recited in independent claim 1 and as similarly recited in claims 12, and 27. Applicant's argument is not persuasive because *Chu* discloses based on the outcome of a first service for a first file, a second service for the first file (page 1, [0014], e.g. The first client issues **first instructions** for registering an account with the digital asset distribution (DAD) server via the website for transferring a file to the destination address of the second client and the first client includes a web browser for accessing the website. The first client issues **second instructions** for uploading the file to the DAD server via the DAD website and upon the first client initially accessing the website,

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embedded client software stored on the DAD server operational for a client to upload the file is automatically downloaded to the first client. The first client uploads the file to the DAD server. The system also includes notifying means for notifying the second client that the file is available for downloading from the DAD server. The second client issues third instructions to the DAD server via the DAD website for downloading the file, where the second client includes a web browser for accessing the DAD website, and the second client downloads the file).

CLAIM REJECTIONS - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 1-12 and 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. (2002/0049853 A1) (Chu hereafter) taken with Konda et al. (US 2003/0041095 A1) (Konda hereafter).

9. In regard to claim 1, Chu discloses a system to facilitate movement of electronic files comprising:

10. a network interface communicating with a memory (Figure 1);

said memory communicating with a processor (Figure 1); and

a processor configured to execute a plurality of components (Figure 1),

said processor, when executing a messaging infrastructure component configured to:

facilitate workflow management of files through said system communicate with a manager

interface and, determine, based on the outcome of a first service for a first file, a second

service for the first file (page 1, [0014], e.g. The first client issues **first instructions** for

registering an account with the digital asset distribution (DAD) server via the website for

transferring a file to the destination address of the second client and the first client includes a

web browser for accessing the website. The first client issues **second instructions** for

uploading the file to the DAD server via the DAD website and upon the first client initially

accessing the website, embedded client software stored on the DAD server operational for a

client to upload the file is automatically downloaded to the first client. The first client

uploads the file to the DAD server. The system also includes notifying means for notifying

the second client that the file is available for downloading from the DAD server. The second

client issues third instructions to the DAD server via the DAD website for downloading the

file, where the second client includes a web browser for accessing the DAD website, and the

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second client downloads the file), said messaging infrastructure component not providing an entry point for a user into said system (page 1, [0011], especially, “issuing first instructions...”, and Claim 32, e.g. software resident on said server tracks said file transfer);

11. said processor, when executing a file transfer services component configured to at least one of transmit and receive a file request, and provide an entry point for a user into said system (page 1, [0009], especially, “issuing instructions from the first client to a digital asset distribution (DAD) server for transferring a file...from the DAD server...”);

12. said processor, when executing a centralized file management hub, is configured to: communicate with said file transfer services component and said file transformation component through said messaging infrastructure component (page 1, [0014], especially, “a digital asset distribution (DAD) server...”), and said centralized file management component not providing an entry point into said system (Figure 5, page 2, [0049], e.g. instructions are sent to the DAD server via a web page, and page 6, [0092], e.g. the program will communicate with the queue manager (909) to add the item to the defined queue, i.e. sender notification queue, recipient notification queue, or server-to-server transfer queue); and provide end-to-end tracking of a file and role based multi layered tracking information of a file (Abstract, e.g. ent-to-end secure file transfer).

13. However, Chu does not explicitly describe the limitation of “a file transformation component configured to use enterprise logic to enrich file content and convert a file type to another file type, said file transformation component not providing an entry point for a user into said system.” Konda describes a file transformation component configured to use enterprise logic to enrich file content and convert a file type to another file type, said file

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transformation component not providing an entry point into said system (page 4, [0064], e.g. WordPerfect...PDF, page 5, [0078], e.g. ETS instance provides file transformation services, and Figure 1). One of ordinary skill in the art at the time of the invention would have been motivated by Konda to improve the methods and systems for transforming data in heterogeneous computer systems (page 2, [0015]) to overcome costly, tedious and time-consuming task of transforming documents (page 2, [0016]). Therefore, it would have been obvious to one of ordinary skill in the art to make and use the system of Chu with the task of transforming documents of Konda to to improve the methods and systems for transforming data in heterogeneous computer systems (page 2, [0015]) to overcome costly, tedious and time-consuming task of transforming documents.

14. In regard to claim 2, Chu in view of Konda discloses said processor, when executing a parameter and configuration management component configured to provide a gateway to at least one of store and retrieve configuration information (page 4, [0061], especially, "...server site URL provides the universal uniqueness to the PID...assist the server-to-server transfer...download records may be added into the database"; and said processor, when executing a file routing and workflow component configured to route a file through a network and provide routing information to file transfer nodes to facilitate at least one of routing and scheduling of a file transfer (page 4, [0062]-[0063], especially, "address book...Sender File Names (24) and Location (25)...").

15. In regard to claim 3, Chu view of Konda discloses said plurality of components comprise a parameter and configuration management component, wherein said parameter and

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configuration management component includes...file transfer routing information...(page 4, [0062]-[0063], especially, “address book...Sender File Names (24) and Location (25)...”).

16. In regard to claim 4, Chu view of Konda discloses display tracking information (page 4, [0064], especially, “interface...Tracking (TRACE)”).

17. In regard to claim 5, Chu in view of Konda discloses a manager interface configured to at least one of receive configuration information and display tracking information (page 4, [0064], especially, “interface...Tracking (TRACE)”), wherein said configuration information includes at least one of client authentication...(page 3, [0051], especially, “sender input a unique username and password...”)...and wherein said tracking information includes a workflow task outcome (page 4, [0064] to page 6, [0084]), Figure 3 in its entirety exemplifies a workflow task outcome).

18. In regard to claim 6, Chu view of Konda discloses the file transfer services component includes:

19. One file transfer agent communicating with said messaging infrastructure (Figure 5 wherein the server components have been interpreted as “agents” as defined by the Microsoft dictionary);

20. A file transfer application server...(Figure 5, especially, “Server” and “Remote Server”);

21. User interface...(page 4, [0064]).

22. In regard to claims 7 and 8, Chu view of Konda discloses a user interface...(page 4, [0064]-[0065], especially, “Client Browser screen components...send client software embedded in HTML...”).

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23. In regard to claims 9 and 10, Chu view of Konda discloses a file transformation component is further configured to apply a transformation map to said file (page 7, [0097], especially, “sender has the option to cancel a lengthy upload and resume upload at a later time...the program will resume uploading portion of the file and so indicate in the restart offset...” and page 8, [0114], especially, “support partial file transfer...receive command requesting...”). The disclosure cited above is consistent the exemplary description of “a transformation map” in the instant specification (paragraph [0025]).

24. In regard to claim 11, Chu view of Konda discloses one file transfer agent is further configured to notify said central file management hub of workflow events (page 7, [0103], especially, “delivery of the download notification to the primary DAD server”).

25. In regard to claims 12, and 14-25, and 27, Chu in view of Konda discloses a method (claim 1) implemented in the above-cited system. Further, Chu discloses a validation step (page 8, [0106]-[0107], especially, “If valid data is read...”). Specific to claims 22 and 23, the limitation of “business rules...” has been interpreted reasonably broad because the instant specification does not explicitly define said limitation. The invention described by Chu is directed to end-to-end secure file transfer method and system as directed to “reports, articles, advertisements,...spreadsheets (page 1, [0005]). The cited method and system have been interpreted as being directed to business application; therefore, would achieve the same expected resulted as the claimed method in regard to the limitation of “business rules.”

26. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. (2002/0049853 A1) (Chu hereafter) taken with Konda et al. (US 2003/0041095 A1) (Konda hereafter) in further view of Bodin et al. (Bodin hereafter, US 6,061,733 A).

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27. In regard to claim 26, Chu in view of Konda discloses the claimed invention except for the limitation of applying said transformation map to said file includes at least one of splitting a file into several files and segmenting a file into messages. Bodin discloses splitting a file into several files and segmenting a file into messages (page 2, lines 14-34, e.g. a large file...as a collection of smaller files).

28. Konda describes a file transformation component configured to use enterprise logic to enrich file content and convert a file type to another file type, said file transformation component not providing an entry point into said system (page 4, [0064], e.g.

WordPerfect...PDF, page 5, [0078], e.g. ETS instance provides file transformation services, and Figure 1). One of ordinary skill in the art at the time of the invention would have been motivated by Konda to improve the methods and systems for transforming data in heterogeneous computer systems (page 2, [0015]) to overcome costly, tedious and time-consuming task of transforming documents (page 2, [0016]). Therefore, it would have been obvious to one of ordinary skill in the art to make and use the system of Chu with the task of transforming documents of Konda and the file transfer of Bodin to improve the methods and systems for transforming data in heterogeneous computer systems (page 2, [0015]) to overcome costly, tedious and time-consuming task of transforming documents.

CONCLUSION

1. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance.

Representatives are available to answer your questions daily from 6 am to midnight

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(EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

2. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.
4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

/Cheyne D Ly/

Primary Examiner, Art Unit 2168